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Federal Communications Commission  
Office of the Secretary

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	WAIVER --
	)	EXPEDITED ACTION
Implementation of the Telecommunications Act	)	REQUESTED
of 1996:	)	
	)	
Telecommunications Carriers' Use of Customer	)	CC Docket No. 96-115 ✓
Proprietary Network Information and Other	)	
Customer Information	)	
	)	
IP-Enabled Services	)	WC Docket No. 04-36

**PETITION FOR LIMITED WAIVER**  
**FOR PUBLIC INSPECTION**

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## PETITION FOR LIMITED WAIVER

Sprint Nextel Corporation ("Sprint Nextel" or "Company"), pursuant to section 1.3 of the Rules of the Federal Communications Commission ("FCC" or "Commission"),<sup>1</sup> respectfully requests that the Commission grant it a waiver of the obligations imposed on Sprint Nextel pursuant to Commission Rules 64.2010 (b), (c), (e) and (f)<sup>2</sup> that were recently adopted in the *CPNI Report and Order* in the above-captioned proceedings.<sup>3</sup> A grant of this waiver allows Sprint Nextel to finish pursuing its systematic solution for CPNI compliance through the continuing migration of its wireless customers to a new high-tech, state-of-the-art billing platform - the Unified Billing Platform ("UBP") - that automates CPNI compliance through password verification, auto-generated customer notifications, and technical security measures. Sprint Nextel designed, tested, and installed a customer-focused CPNI compliant solution on the

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<sup>1</sup> 47 C.F.R. § 1.3. This Petition requests a waiver of rules that do not pertain specifically to the Wireless Radio Service, and, therefore, the Petition is not being filed pursuant to section 1.925 of the Commission's Rules. However, to the extent the Commission believes section 1.925 applies, this Petition complies with section 1.925 and meets the waiver standard set forth therein.

<sup>2</sup> 47 C.F.R. §§ 64.2010 (b), (c), (e) and (f).

<sup>3</sup> *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; IP-Enabled Services*, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd. 6927 (2007) ("*CPNI Report and Order*").

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UBP. Sprint Nextel also migrated millions of wireless customers to the CPNI compliant UBP. Now, a limited waiver for a short period of time is needed while Sprint Nextel completes an orderly migration of the remaining wireless customers to the UBP. In addition, Sprint Nextel needs to complete deployment of CPNI compliant solutions for authentication of new residential and business wireline customers when first registering for an online account; and, for notification of account changes for residential and business wireline customers that currently have online accounts. Sprint Nextel is committed to completing both efforts by June 30, 2008, at which time it expects to be compliant with the new CPNI rules.

### I. INTRODUCTION

On April 2, 2007, the Commission released its *CPNI Report and Order* establishing new rules to protect CPNI.<sup>4</sup> These rules are designed to “sharply limit pretexters’ ability to obtain unauthorized access” to CPNI.<sup>5</sup> Sprint Nextel places a high priority on protecting CPNI and the Company’s extensive actions described in this Petition underscore Sprint Nextel’s commitment. In fact, Sprint Nextel has committed substantial resources and invested in security measures to protect sensitive customer data, including CPNI. To that end, Sprint Nextel has been at the forefront of carriers protecting CPNI by implementing a number of security controls, establishing internal processes and policies, training customer care service personnel, and initiating legal action to curtail the unlawful activities of data brokers and pretexters.<sup>6</sup> With the

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<sup>4</sup> *CPNI Report and Order* at ¶¶ 1 -2.

<sup>5</sup> *Id.*

<sup>6</sup> See *Sprint Nextel Corp. d/b/a Sprint Nextel v. 1<sup>st</sup> Source Information Specialists, Inc., et al.*, Broward County, Florida Circuit Court Case No. 06001083 (02) (filed Jan. 26, 2006); *Sprint Nextel Corp. d/b/a Sprint Nextel v. All Star Investigations, Inc., et al.*, Miami-Dade County, Florida Circuit Court Case No. 06 01736 (filed Jan. 27, 2006); *Sprint Nextel Corp. d/b/a Sprint Nextel v. San Marco & Associates Private Investigation, Inc., et al.*, Case No. 8:06-CV-00484-T-17TGW (MD. Fla.) (filed March 17, 2006).

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same vigor, Sprint Nextel committed substantial resources to add systematic and technical enhancements to its existing security controls to ensure compliance with the new CPNI rules.

As explained below, Sprint Nextel has successfully developed and installed the UBP, a customized, high-tech, state-of-the-art platform for its wireless customers, with systematic network CPNI authentication and notification solutions compliant with the Commission Rules adopted in the *CPNI Report and Order*, including Commission Rules 64.2010 (b), (c), (e) and (f).<sup>7</sup> The CPNI solution supported by the UBP substantially improves the customer experience and will automate customer authentication, notification, and security protections. As such, Sprint Nextel's deployment of the UBP is very much in the public interest, as is full compliance with the Commission CPNI Rules.

Sprint Nextel has been diligently, but carefully, migrating its [REDACTED CONFIDENTIAL INFORMATION] wireless customers to its CPNI compliant UBP to minimize any adverse impact to its customers' wireless experience. While substantial progress has been made towards completing this migration, due to the massive scope of the project, it is evident that not all of the Company's wireless customers will be converted to the UBP by the scheduled December 8, 2007 deadline for compliance with the new CPNI rules.<sup>8</sup> By December 8, 2007, Sprint Nextel will have converted [REDACTED CONFIDENTIAL INFORMATION] wireless customers to its CPNI compliant UBP. However, despite an accelerated customer-focused, phased-in conversion schedule, migrating all of the remaining wireless customers by December 8, 2007 would impose significant, harmful burdens on the customers and the Company. Therefore, Sprint Nextel requires a waiver until June 2008 while it

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<sup>7</sup> 47 C.F.R. §§ 64.2010 (b), (c), (e) and (f).

<sup>8</sup> The new CPNI rules are scheduled to take effect on December 8, 2007 (six months after publication of the *CPNI Report and Order* in the Federal Register) or on Office of Management Budget ("OMB") approval, whichever is later. OMB has not approved the new rules and sought comment on the new rules by November 23, 2007. 72 Fed. Reg. 60372-60373 (Oct. 24, 2007).

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completes the conversion of the remaining wireless customers in a secure and responsible manner, without materially disrupting the customer experience.

In addition to the ongoing migration of its wireless customers, Sprint Nextel continues to implement both conventional customer interfacing procedures and technical CPNI enhancements for authentication of [REDACTED CONFIDENTIAL INFORMATION] residential and business wireline customers that register for an online account each month and for account change notifications for [REDACTED CONFIDENTIAL INFORMATION] residential and business wireline online account customers, out of [REDACTED CONFIDENTIAL INFORMATION] wireline customers. Sprint Nextel has made substantial progress, but full completion cannot occur by the December 8, 2007 compliance deadline. Therefore, Sprint Nextel also respectfully requests a waiver until June 30, 2008 to deploy CPNI compliant solutions for first time online account authentication and online account change notification to better serve wireline customers.

## II. STANDARD OF REVIEW

The Commission's Rules provide that the Commission may waive its rules for good cause when the facts of a particular case make adherence to the rule inconsistent with the public interest.<sup>9</sup> In particular, a rule can be waived when its application would be inequitable, unduly burdensome, or contrary to the public interest.<sup>10</sup>

The Commission's approach to requests for waivers in the wireless area is illustrative for this purpose. Specifically, section 1.925(b)(3) of the Commission's Rules is comparable to section 1.3 and provides that the Commission may grant a request for waiver if:

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<sup>9</sup> 47 C.F.R. § 1.3; see *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *appeal after remand*, 459 F.2d 1203 (D.C. Cir.), *cert. denied*, 409 U.S. 1027 (1972); see also *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990).

<sup>10</sup> *WAIT Radio*, 418 F.2d at 1159.

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- (i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or
- (ii) In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.<sup>11</sup>

As demonstrated below, Sprint Nextel meets these requirements and the Commission should grant the limited waivers, as requested herein.

### III. THE SPRINT NEXTEL CPNI WAIVER REQUEST FOR WIRELESS CUSTOMERS REMAINING ON THE LEGACY BILLING PLATFORMS.

#### A. The CPNI Compliant Unified Billing Platform for Wireless Customers.

Shortly after its merger in August 2005,<sup>12</sup> Sprint Nextel decided to build a customized, high-tech, state-of-the-art billing platform for its wireless customers that would enhance the customer service experience, simplify employee performance, and achieve post-merger efficiencies by improving interaction across multiple organizations within Sprint Nextel. Sprint Nextel has currently spent at least [REDACTED CONFIDENTIAL INFORMATION] to design and deploy software releases that together make up the UBP.<sup>13</sup> Sprint Nextel expects to make further substantial investment in the UBP to complete this project because of its critical importance. The UBP has been an enormous undertaking,<sup>14</sup> uniting all major divisions of Sprint

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<sup>11</sup> 47 C.F.R. § 1.925(b)(3), *see also supra* n.1.

<sup>12</sup> Sprint Corporation and Nextel Communications, Inc. closed the merger on August 12, 2005. *Applications of Nextel Communications, Inc. and Sprint Corporation For Consent to Transfer Control of Licenses and Authorizations*, Memorandum Opinion and Order, 20 FCC Red. 13,967 (2005).

<sup>13</sup> Declaration of Dennis Evans, Director of IT Enterprise Compliance for Sprint Nextel Corporation dated December 3, 2007 ("Evans Declaration") (Exhibit A).

<sup>14</sup> The UBP is comprehensive, including [REDACTED CONFIDENTIAL INFORMATION]. The UBP is supported by [REDACTED CONFIDENTIAL INFORMATION]. Evans Declaration at Ex. A. *See also*, The comments by Nextel Communications, Inc. and Nextel Partners, Inc. (now Sprint Nextel) in Docket Nos. 98-170 and 04-208 filed June 24, 2005 stating that: "The considerable time and expense involved in altering

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Nextel, such as

[REDACTED CONFIDENTIAL INFORMATION].<sup>15</sup> The UBP allows Sprint Nextel employees to

[REDACTED CONFIDENTIAL INFORMATION].<sup>16</sup> Indeed, the UBP empowers Sprint Nextel to [REDACTED CONFIDENTIAL INFORMATION].<sup>17</sup> Accordingly, Sprint Nextel has moved aggressively to build and migrate customer accounts to the UBP.<sup>18</sup>

Sprint Nextel views the UBP as an important and successful achievement. Paul Saleh, Sprint Nextel's Acting CEO, has referred to the UBP as an "enterprise-wide company engine" that will greatly improve and enhance the customer service experience. To date, the significant investment by Sprint Nextel in a multi-faceted network billing platform has enabled the Company to create a technical, customer-focused solution that fully meets the requirements imposed by the *CPNI Report and Order*, such as systematic limits on who may acquire customer

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wireless billing systems is again in part due to the fact that the components of such systems are both complex and interconnected. Thus, even small alterations in one part of the system can have unintended and unpredictable consequences elsewhere in the system. Generally speaking, alterations in billing systems translate into errors, which in turn cause expense for carriers and inconvenience for customers." *Truth-in-Billing and Billing Formats, National Association of State Utility Consumer Advocates' Petition for Declaratory Ruling Regarding Truth-in-Billing*, CC Docket Nos. 98-170, 04-208, Comments of Nextel Communications, Inc. and Nextel Partners, Inc. at 6 (June 24, 2005); *see also id.* n.6. ("A billing system contains millions of lines of computer code and is susceptible to error for that reason alone.").

<sup>15</sup> Evans Declaration at Ex. A.

<sup>16</sup> Declaration of Gerard Shanley, Director of the Customer Care for Sprint Nextel Corporation dated December 3, 2007 ("Shanley Declaration") (Exhibit B).

<sup>17</sup> *Id.*

<sup>18</sup> Evans Declaration at Ex. A.



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account information, and systematic auto-notification together with enhanced capabilities that enables Sprint Nextel to determine who has accessed the account. Sprint Nextel specifically chose a systematic approach over a conventional customer interfacing approach to CPNI compliance because of cost efficiencies, customer demands for user friendly security tools, and the ability to better protect sensitive customer information by eliminating human error.

It has been an [REDACTED CONFIDENTIAL INFORMATION]. This tailored effort has involved [REDACTED CONFIDENTIAL INFORMATION].<sup>19</sup> The result of this effort is that the CPNI solutions were created by Sprint Nextel in record time [REDACTED CONFIDENTIAL INFORMATION].<sup>20</sup> Indeed, as described in detail in the attached Declaration of Dennis Evans, the Company was able to develop and install a complex CPNI compliant solution within the context of the ongoing deployment of the UBP -- a process that otherwise would have taken [REDACTED CONFIDENTIAL INFORMATION] to develop on a regular deployment schedule following the completion of all UBP software releases.<sup>21</sup>

In addition to the rapid design, development, and deployment of the CPNI solution on the UBP, Sprint Nextel hired and trained [REDACTED CONFIDENTIAL INFORMATION] new customer care service representatives ("CCSRs") to assist in the conversion process.<sup>22</sup> Sprint Nextel's new hire training program of CCSRs begins with [REDACTED CONFIDENTIAL INFORMATION] intensive, comprehensive training

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<sup>19</sup> Evans Declaration at Ex. A.  
<sup>20</sup> *Id.*  
<sup>21</sup> *Id.*  
<sup>22</sup> Shanley Declaration at Ex. B.

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course.<sup>23</sup> In support of the UBP conversions an additional [REDACTED CONFIDENTIAL INFORMATION] of training on the UBP includes instruction on the requirements of the new CPNI rules.<sup>24</sup> At this time, all CCSR's have been trained in the requirements of the new CPNI rules.<sup>25</sup>

Implementation of the UBP CPNI compliant solution in record time, as well as the completed training of CCSR's, demonstrate that the Company has placed the highest priority on CPNI compliance and meeting the Commission's compliance deadline.

**B. The Public Interest and Unique Circumstances Require that the Commission Grant Sprint Nextel's Waiver Request While Completing a Customer-Focused Conversion of Wireless Customer Accounts to the UBP.**

The UBP complies with the Commission's new CPNI security requirements and Sprint Nextel has been diligently migrating customer accounts from the legacy billing platforms to the UBP. Currently, [REDACTED CONFIDENTIAL INFORMATION] subscribers have been migrated to UBP and another [REDACTED CONFIDENTIAL INFORMATION] are scheduled to be migrated on December 7, 2007. However, for the reasons explained below, Sprint Nextel estimates that [REDACTED CONFIDENTIAL INFORMATION] wireless subscribers will still remain on its legacy billing platforms as of December 8, 2007, the scheduled effective date for the new CPNI rules. Sprint Nextel has carefully designed a customer-focused, phased-in conversion schedule to migrate expeditiously these remaining wireless customers to the new CPNI compliant UBP platform by June 2008.<sup>26</sup> Accordingly, Sprint Nextel requires a waiver of the Commission's Rules while the migration process is completed for those remaining wireless customers on the legacy billing platforms. Changing the

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<sup>23</sup> Shanley Declaration at Ex. B.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

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conversion schedule could unduly burden the relationship between customer and carrier; and, it would not serve the public interest to deny Sprint Nextel's waiver when it remains fully committed to completing the migration of its wireless customers to the CPNI compliant UBP by June 30, 2008.

It should also be noted that the legacy billing platforms currently have substantial security measures in place through internal processes and policies that adhere to the statutory CPNI mandates and the current CPNI rules. Therefore, during the conversion process, Sprint Nextel can continue to provide interim protection to CPNI for the declining number of customers remaining on the legacy billing platforms. The fact that Sprint Nextel's customers will continue to receive CPNI protection during the conversion process also supports the public interest benefits in favor of granting Sprint Nextel's waiver request.

There are a number of additional important factors that support Sprint Nextel's waiver request. These stem from the unique circumstances of the conversion process. There are operational, technical, and customer service complexities that prevent Sprint Nextel from migrating all of the remaining wireless customers or large numbers of wireless customers in a single migration to the UBP by December 8, 2007. When a customer account is migrated to the UBP, a [REDACTED CONFIDENTIAL INFORMATION].<sup>27</sup> This data must then be [REDACTED CONFIDENTIAL INFORMATION].<sup>28</sup> Each database has a [REDACTED CONFIDENTIAL INFORMATION].<sup>29</sup> During this migration process, a [REDACTED CONFIDENTIAL INFORMATION].<sup>30</sup> The [REDACTED CONFIDENTIAL INFORMATION]

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<sup>27</sup> Evans Declaration at Ex. A.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

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[REDACTED CONFIDENTIAL INFORMATION].<sup>31</sup> For example, the migration of [REDACTED CONFIDENTIAL INFORMATION].<sup>32</sup> If Sprint Nextel [REDACTED CONFIDENTIAL INFORMATION].<sup>33</sup> As discussed below, this would impose an intolerable hardship on Sprint Nextel's customers, would be inequitable, and would be unduly burdensome on the Company.

When a customer's account is [REDACTED CONFIDENTIAL INFORMATION].<sup>34</sup> For example, the customer [REDACTED CONFIDENTIAL INFORMATION].<sup>35</sup> These are [REDACTED CONFIDENTIAL INFORMATION].<sup>36</sup> Given the highly technical and complex nature of the process, which involves numerous business segments and legacy systems, it is inevitable that system malfunctions, misplaced information, extended freeze periods, and other unanticipated consequences would result from any attempts to force a sudden mass migration of customers.<sup>37</sup>

To limit inaccessibility to customer accounts, to keep the risk of migration errors to a minimum, and to ensure proper customer care, Sprint Nextel must convert segments of its

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<sup>31</sup> Evans Declaration at Ex. A.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

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customer base to the UBP in phases of [REDACTED CONFIDENTIAL INFORMATION].<sup>38</sup>

This limitation on the number of customer accounts per conversion is based on extensive experience gained over the past year.<sup>39</sup> At a high level, the migration process today incorporates the following:

- i) [REDACTED CONFIDENTIAL INFORMATION];
- ii) [REDACTED CONFIDENTIAL INFORMATION];
- iii) [REDACTED CONFIDENTIAL INFORMATION]; and
- iv) [REDACTED CONFIDENTIAL INFORMATION].<sup>40</sup>

Sprint Nextel [REDACTED CONFIDENTIAL INFORMATION].<sup>41</sup>

A large number of customers [REDACTED CONFIDENTIAL INFORMATION].<sup>42</sup> This substantially [REDACTED CONFIDENTIAL INFORMATION].<sup>43</sup>

Based on Sprint Nextel's experience with prior account migrations to the UBP, Sprint Nextel has

[REDACTED CONFIDENTIAL INFORMATION]

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<sup>38</sup> Evans Declaration at Ex. A; *see also*, Shanley Declaration at Ex. B.

<sup>39</sup> Shanley Declaration at Ex. B.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

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[REDACTED CONFIDENTIAL INFORMATION].<sup>44</sup> Since the Company is migrating customers to the UBP so that customers reap the benefits and new product and service offerings accessible through the UBP, Sprint Nextel needs to avoid harmful customer experiences resulting from an overly ambitious migration process that might cause a customer to seek a competitive alternative.

For both competitive and business reasons, as well as being fully compliant with the new CPNI rules, Sprint Nextel is most eager for all wireless customers to be on the UBP. At the same time, Sprint Nextel submits that a reasonable conversion schedule to migrate wireless subscribers to the UBP is also important. Sprint Nextel estimates that it will take until June 2008 to complete a customer-focused, phased-in migration to the UBP in a manner that does not jeopardize the customer experience. The following table identifies the estimated number of subscribers per conversion and the estimated conversion completion dates:

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<sup>44</sup> Shanley Declaration at Ex. B.

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**SPRINT NEXTEL WIRELESS CONVERSION SCHEDULE TO THE UBP**

**[REDACTED CONFIDENTIAL INFORMATION]**

Conversion Completion Date	Subscriber Migration Count (Active and Inactive)	Customer Type
[REDACTED CONFIDENTIAL INFORMATION]	[REDACTED CONFIDENTIAL INFORMATION]	[REDACTED CONFIDENTIAL INFORMATION]

This is a very ambitious schedule, but Sprint Nextel has dedicated substantial time and resources in deploying the UBP solution and it expects to meet the above conversion schedule.<sup>45</sup>

The underlying purpose and policy objectives of the new requirements adopted in the *CPNI Report and Order* are to ensure that telecommunications carriers are vigorously protecting the CPNI of customers from pretexters. These new requirements further bolster the current CPNI protections already existing under the Commission's Rules. Sprint Nextel has shown its

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<sup>45</sup> As explained in the Evans Declaration, "Sprint Nextel considered a number of possible technical solutions to address the customer accounts remaining on the legacy platforms, none of which were adequate. For example, the Company considered implementing significant hardware and software upgrades to its legacy platforms. However, since [REDACTED CONFIDENTIAL INFORMATION], with the Company's resources committed instead to the development, installation and account migration to UBP. The technical solution for the legacy platforms was estimated to take longer than the average for other programming solutions, extending well beyond the December 8, 2007 deadline. An upgrade of the legacy platforms would also have diverted significant resources and funds from the aggressive deployment of the CPNI compliant UBP solution. And, enhancements to the legacy platforms would have resulted in additional and significant hindrance to Sprint Nextel customers. Customers remaining on the legacy platforms would be required to acclimate to one set of operational and CPNI changes and procedures on the legacy platform, only to be later migrated to UBP and be required to adapt to another set of new procedures (including differing invoice schedules and formats). For these reasons, Sprint Nextel concluded that "migrating customers once, to the CPNI compliant UBP platform, was best for its customers." Evans Declaration at Ex. A.

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customers and the Commission that it is committed to compliance with both the current and new CPNI compliance requirements. Sprint Nextel takes seriously its commitment demonstrated by its rapid implementation of complex CPNI technical upgrades to its state-of-the-art UBP. In addition, Sprint Nextel's commitment to its customers is reflected in the carefully designed, phased-in schedule for migration of its existing wireless customers to the new CPNI compliant UBP platform. Sprint Nextel requires a waiver of the Commission Rules 64.2010 (b), (c), (e), and (f) only for a limited time while completing the migration of [REDACTED CONFIDENTIAL INFORMATION] remaining wireless customers from legacy billing platforms to the CPNI complaint UBP platform. Consistent with the public interest, customers that must remain on the legacy billing system for a limited period of time will continue to receive, and benefit from, effective CPNI protections until their imminent migration to the UBP.

Moreover, Sprint Nextel has made substantial, good faith efforts to comply with the requirements and, in fact, has diligently and expeditiously enhanced a state-of-the-art billing platform to comply with the *CPNI Report and Order*. It is only due to the unique and one-time UBP technical and customer service complexities associated with the conversion of wireless subscribers to this new billing platform that any waiver is needed. Sprint Nextel is not requesting an exemption from, or indefinite waiver of, the new requirements. Instead, Sprint Nextel is merely seeking a waiver for a short period of time while completing execution of a carefully-designed, phased-in migration plan. Accordingly, the Commission should grant a waiver of the Commission Rules 64.2010 (b), (c), (e), and (f) while the remaining wireless subscribers on the legacy platforms continue to be migrated to the CPNI compliant UBP.



IV. THE SPRINT NEXTEL CPNI AUTHENTICATION AND NOTIFICATION WAIVER REQUEST FOR WIRELINE LONG-DISTANCE CUSTOMERS USING ONLINE ACCOUNTS.

Sprint Nextel currently has approximately [REDACTED CONFIDENTIAL INFORMATION] wireline long-distance customers. These wireline long-distance customers reside on an internal billing platform separate from the wireless customers. The wireline internal platform is referred to as the Customer Information System ("CIS") billing platform and it interfaces with multiple databases. Since the August 2005 Sprint Nextel merger, and the subsequent divestiture of the wireline local business to Embarq in 2006, Sprint Nextel has reduced the number of wireline databases from [REDACTED CONFIDENTIAL INFORMATION]. The remaining databases are not designed to be combined with one another, with the CIS billing platform, or with the UBP supporting Sprint Nextel's wireless customer accounts. This fact makes the development and deployment of CPNI solutions all the more difficult. Even so, the wireline CIS billing platform will be in substantial compliance with the new CPNI rules for its wireline customers on December 8, 2007. However, Sprint Nextel has determined that it must deploy other technical and conventional customer interface procedures to comply with online authentication and notification requirements found in Commission Rules 64.2010 (c), (e) and (f).<sup>46</sup> Because of the wireline database consolidation and UBP implementation, all of the CPNI compliant online solutions for wireline customers could not be deployed by December 8, 2007.

While Sprint Nextel has in place CPNI compliant solutions for most of its wireline customers, there are two online wireline customer situations where Sprint Nextel cannot comply with the new CPNI rules for a limited period after December 8, 2007. The first situation concerns online authentication for new wireline customers only. After December 8, 2007, new

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<sup>46</sup> 47 C.F.R. §§ 64.2010 (c), (e) and (f).

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Sprint Nextel wireline customers wishing to create an online account must provide [REDACTED CONFIDENTIAL INFORMATION]. Following this registration process, the customer [REDACTED CONFIDENTIAL INFORMATION]. On average, [REDACTED CONFIDENTIAL INFORMATION] residential and business new online accounts are created per month. It will be these new online accounts that will continue to receive the current CPNI protections when registering. Sprint Nextel is currently preparing to correct this situation primarily through a conventional customer interfacing approach. Upon online submission of customer account and contact information, the web site will [REDACTED CONFIDENTIAL INFORMATION].

The second CPNI online wireline customer situation requiring a waiver concerns notification of customer account changes for less than [REDACTED CONFIDENTIAL INFORMATION] wireline residential and business users when such changes are made online. Currently, online customer account changes to a wireline customer's address are [REDACTED CONFIDENTIAL INFORMATION]. However, current online systematic notifications to wireline customers cannot meet the new CPNI rules. In order to comply with the new CPNI rules, a conventional customer interfacing procedure using [REDACTED CONFIDENTIAL INFORMATION]. Unlike customer address changes, [REDACTED CONFIDENTIAL INFORMATION]. Sprint Nextel is currently prepared to correct this situation by deploying a technical enhancement that will [REDACTED CONFIDENTIAL INFORMATION].

The Commission has acknowledged the importance of a customer's access to CPNI and thus it would not be in the public interest for an entire set of existing telecommunications customers to be deprived of such access.<sup>47</sup> While Sprint Nextel implements its remaining CPNI

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<sup>47</sup> CPNI Report and Order at ¶8 ("Consistent with section 222(c)(2), the Commission's rules recognize that a carrier must comply with the express desire of a customer seeking the

compliant solutions for its online wireline customers, it would continue to provide interim CPNI protection through the security controls, internal processes and policies, and training of customer service personnel that are currently followed under statutory CPNI mandates and the current CPNI rules. Consistent with the public interest, by granting the Petition, wireline customers would continue to receive, and benefit from, these preexisting CPNI protections until the new CPNI compliant solution is fully deployed.

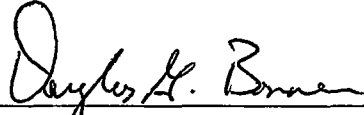
Sprint Nextel will be in substantial compliance with the new CPNI rules for its wireline customers on December 8, 2007. Further, Sprint Nextel has demonstrated a firm commitment to the protection of CPNI. Given the resource limitations placed on the Company resulting from its extensive efforts to ensure that a customer-focused, CPNI compliant solution was timely deployed to the new wireless UBP, a waiver of Commission Rules Section 64.2010 (c), (e), and (f) for Sprint Nextel is in the public interest while it implements CPNI compliant solutions for its online wireline customers. Sprint Nextel is not asking for an exemption from, or indefinite waiver of, the new requirements. For its online wireline customers, Sprint Nextel is merely seeking a limited waiver for short period of time and will be fully compliant by June 30, 2008 with the new CPNI rules. The Commission should recognize the unique circumstances underlying Sprint Nextel's request and that granting the waiver will not impair, but promote the public interest and consumer safety objectives underlying the Commission's new rules.

## V. CONCLUSION

For the reasons set forth above, Sprint Nextel respectfully submits that grant of this Petition for Limited Waiver serves the public interest and, therefore, should be granted expeditiously.

FOR PUBLIC INSPECTION

Respectfully submitted,



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Dated December 3, 2007

***EXHIBIT LIST***

EXHIBIT A Declaration of Dennis Evans, Director of IT Enterprise Compliance for Sprint Nextel Corporation dated December 3, 2007.

EXHIBIT B Declaration of Gerard Shanley, Director of Customer Care for Sprint Nextel Corporation dated December 3, 2007.

# **EXHIBIT A**

## DECLARATION OF DENNIS EVANS

I, Dennis Evans, hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge, information, and belief:

1. I am the Director of IT Enterprise Compliance for Sprint Nextel Corporation ("Sprint Nextel") in Reston, Virginia. I report directly to Sprint Nextel's Chief Information Officer, Richard LeFave.
2. I currently hold a Certified Information System Security Professional ("CISSP") certification from the International Information Systems Security Certification Consortium ("ISC<sup>2</sup>"), and I am a member of the Virginia Chapter of the Information Systems Audit and Control Association ("ISACA").
3. I have more than twenty-five years of experience in information technology and telecommunications. Prior to joining Sprint Nextel, I served as Service Manager at Squires Communications, Inc. for 5 years and then worked for Nortel for 10 years. In 1997, I joined Sprint Nextel and have held several positions in the information technology department of the Company. I have significant experience developing and maintaining control frameworks to meet privacy laws and industry standards, such as, the Sarbanes-Oxley Act, the Payment Card Industry Data Security Standard ("PCI-DSS"), the Health Insurance Portability and Accountability Act ("HIPAA") and federal and state breach notification, Customer Proprietary Network Information ("CPNI") and related privacy laws. Most recently, I have been involved directly with the development and implementation of the systems-based changes necessary to comply with the security requirements of the CPNI rules recently adopted by the Federal Communications Commission ("FCC") on April 2, 2007 ("new CPNI rules").
4. Shortly after the Sprint Nextel merger in 2005, Sprint Nextel made the decision to build a customized, high-tech, state-of-the-art billing platform - the Unified Billing Platform ("UBP") - that would enhance the customer's experience, simplify employee performance and achieve post-merger efficiencies by improving interaction across organizations within Sprint Nextel. The UBP [REDACTED CONFIDENTIAL INFORMATION].
5. We began building the UBP immediately. We submitted requests for proposals ("RFPs") to numerous vendors from software and hardware developers to engineers and programmers. Sprint Nextel spent months negotiating contracts with the chosen vendors and, as early as January 2006, Sprint Nextel engaged Amdocs Limited, a leader in integrated customer management services, as well as other vendors. With Amdocs and other vendors in place, Sprint Nextel moved aggressively to build the UBP, deploying the first release in [REDACTED CONFIDENTIAL INFORMATION]. [REDACTED CONFIDENTIAL INFORMATION] releases have taken place with the latest release on [REDACTED CONFIDENTIAL INFORMATION]. After each release, we migrated a large segment of customers to the UBP. By December 8, 2007 there will have been several conversions - moving [REDACTED CONFIDENTIAL INFORMATION] customer accounts.
6. The UBP is comprehensive, including [REDACTED CONFIDENTIAL INFORMATION]. The UBP is supported by [REDACTED CONFIDENTIAL INFORMATION].

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7. The UBP is a great success and Sprint Nextel's investment of [REDACTED CONFIDENTIAL INFORMATION] in this multi-faceted network platform provided us the opportunity to create technical solutions to meet the new CPNI security requirements on an expedited basis. However, this endeavor for a technical CPNI solution was not without significant financial costs, [REDACTED CONFIDENTIAL INFORMATION], and the rearrangement and reassignment of resources. In fact, as I explain in more detail, the financial investment and dedication of resources were significant in creating the CPNI solutions that were installed in record time on [REDACTED CONFIDENTIAL INFORMATION].
8. In April 2007, following release of the FCC's new CPNI rules, Sprint Nextel immediately responded by re-directing significant resources from other critical projects to the development of CPNI compliant upgrades within the overall UBP project (the "CPNI Compliance Solution"). Since most related Sprint Nextel systems were designed for a specific purpose and process, modifying all impacted systems to meet the new CPNI rules required highly technical capabilities and significant resources. I estimate that the project has run a cost of over [REDACTED CONFIDENTIAL INFORMATION] and has involved over [REDACTED CONFIDENTIAL INFORMATION] work hours to date.
9. Sprint Nextel anticipated that it would have to devote extensive up-front time selecting vendors, negotiating agreements with vendors, purchasing hardware, engaging training representatives and hiring skilled engineers, programmers and technicians to develop the CPNI Compliance Solution. As previously explained, Sprint Nextel had many of these resources in place as a part of the ongoing development and implementation of the UBP project. Placing the highest priority on meeting the CPNI compliance deadline and expediting compliance efforts, Sprint Nextel quickly re-deployed and dedicated many of these resources towards designing, developing, implementing, and testing the CPNI Compliance Solution.
10. As a result of these actions placing the highest priority on CPNI compliance, Sprint Nextel was able to develop the CPNI Compliance Solution in an expedited timeframe; a process that otherwise would have taken no less than ten months to develop. The first technical release of the CPNI Compliance Solution took place on [REDACTED CONFIDENTIAL INFORMATION]; and the second technical release took place on [REDACTED CONFIDENTIAL INFORMATION].
11. Following the [REDACTED CONFIDENTIAL INFORMATION], the UBP is compliant with the new CPNI security requirements and Sprint Nextel continues to migrate customer accounts to the UBP in order to serve all wireless customers on the CPNI compliant UBP by the scheduled effective date of December 8, 2007. However, for the reasons explained below, I project that by December 8, 2007 approximately [REDACTED CONFIDENTIAL INFORMATION] customer accounts will remain on the legacy billing platforms.
12. Sprint Nextel cannot migrate all customer accounts before December 8, 2007. To migrate a customer account to the UBP, a [REDACTED CONFIDENTIAL INFORMATION].
13. [REDACTED CONFIDENTIAL INFORMATION].



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14. To limit the inconveniences, to keep the risk of migration errors to a minimum, and to ensure proper customer care, Sprint Nextel must convert segments of its customer base to the UBP in phases of **[REDACTED CONFIDENTIAL INFORMATION]** customer accounts per phase. *In order to properly migrate customer accounts in such phases, Sprint Nextel will need until June 2008 to fully migrate existing wireless customer accounts to the UBP.*
15. Sprint Nextel considered a number of possible technical solutions to address the customer accounts remaining on the legacy platforms, none of which were adequate solutions. For example, the Company considered implementing significant hardware and software upgrades to its legacy platforms. **[REDACTED CONFIDENTIAL INFORMATION]** An upgrade to the legacy platforms would also have diverted significant resources and funds from the aggressive deployment of the CPNI compliant UBP solution. And, enhancements to the legacy platforms would have resulted in additional and significant hindrance to Sprint Nextel customers. Customers remaining on the legacy platforms would be required to acclimate to one set of operational and CPNI changes and procedures on the legacy platform, only to be later migrated to UBP and be required to adapt to another set of new procedures (including differing invoice schedules and formats). For these reasons, Sprint Nextel concluded that migrating customers once, to the CPNI compliant UBP platform, was best for its customers.

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16. I declare that the information contained in this Declaration is true and correct to the best of my knowledge, information, and belief.

\_\_\_\_\_/s/\_\_\_\_\_  
Dennis Evans

Executed on: \_\_\_\_\_

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# **EXHIBIT B**

## DECLARATION OF GERARD SHANLEY

I, Gerard Shanley, hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge, information and belief:

1. I am the Director of the Customer Care Desktop, Unified Billing Platform ("UBP") Program Management Office for the customer care organization ("Customer Care") at Sprint Nextel Corporation ("Company" or "Sprint Nextel") in Reston, Virginia. In this role, I manage Sprint Nextel corporate call center support personnel across the country. I have been employed with Sprint Nextel since 2000 and over the years have held positions within the Customer Care division of the Company. Prior to joining Sprint Nextel, I served as a Surface Warfare Officer with the U.S. Navy for ten years and am currently a Commander in the U.S. Navy Reserves.
2. I have been involved in various aspects of the UBP, including the planning and execution of the migration of customer accounts to the UBP and the training of customer care service representatives ("CCSRs") to handle day-to-day customer inquiries on the UBP, as well as customer calls following the customer account migration to the UBP (*i.e.*, the **[REDACTED CONFIDENTIAL INFORMATION]**).
3. The UBP is of critical importance to Customer Care. The UBP is an enormous undertaking that allows CCSRs to **[REDACTED CONFIDENTIAL INFORMATION]**. The UBP empowers Sprint Nextel's CCSRs to provide a greater level of customer service to all Sprint Nextel wireless customers. The UBP enables CCSRs to assist customers in just about every aspect of the Sprint Nextel business because the UBP **[REDACTED CONFIDENTIAL INFORMATION]**. These Customer Care CCSR benefits inure to the benefit of the Sprint Nextel customers, who will experience greater customer care efficiencies such as speaking to a single CCSR that can assist with numerous types of questions without transferring the customer.
4. Since April 2007, I have been directly involved in the development and deployment of UBP Customer Care changes. Inherent in the UBP are the changes necessary to comply with the security requirements of the CPNI rules recently adopted by the Federal Communications Commission ("FCC") on April 2, 2007 ("new CPNI rules"), as well as the training necessary to ensure CCSRs understand and follow the technical changes implementing the new CPNI rules with respect to the UBP.
5. Since April 2007, as a part of its overall prioritization of customer care, and in support of a rapid transition to the UBP, Sprint Nextel hired and trained **[REDACTED CONFIDENTIAL INFORMATION]** new CCSRs to assist in the conversion process. Sprint Nextel's new hire training program of CCSRs begins with a **[REDACTED CONFIDENTIAL INFORMATION]** intensive, comprehensive training course. To support the UBP conversions, the CCSRs take an additional **[REDACTED CONFIDENTIAL INFORMATION]** of training on the UBP, which includes instructions on the requirements of the new CPNI rules. At this time, all CCSRs have been trained in the requirements of the new CPNI rules. In addition to training CCSRs, new call centers have been opened around the country to facilitate call flows during the necessary migration phases.

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6. Prior to migrating wireless customers from the legacy billing platforms to the UBP, Sprint Nextel developed a migration plan to ensure **[REDACTED CONFIDENTIAL INFORMATION]**. Over the past year, Sprint Nextel has learned much from each phase of its migration process and has progressively improved the migration process to ensure the best possible service to its customers. Through this experience, Sprint Nextel has developed a highly proactive customer communication approach to managing migration. At a high level, the migration process today incorporates the following:
  - i) **[REDACTED CONFIDENTIAL INFORMATION]**;
  - ii) **[REDACTED CONFIDENTIAL INFORMATION]**;
  - iii) **[REDACTED CONFIDENTIAL INFORMATION]**; and
  - iv) **[REDACTED CONFIDENTIAL INFORMATION]**.
7. Based on Customer Care experience with prior account migrations to the UBP, Customer Care requires a multi-phased migration approach, limiting migration volumes to minimize burdens on customers and call center operations. Sprint Nextel experiences **[REDACTED CONFIDENTIAL INFORMATION]**.
8. While Sprint Nextel has hired a substantial number of additional CCSRs to support Customer Care operations throughout the UBP migration process, if each phased migration were of a larger subscriber volume than **[REDACTED CONFIDENTIAL INFORMATION]**. I believe through our previous experiences the optimal volume for customer conversion is **[REDACTED CONFIDENTIAL INFORMATION]** subscribers in order to limit negative effects on the Company's customers as well as the Company.
9. I declare that the information contained in this Declaration is true and correct to the best of my knowledge, information, and belief.

\_\_\_\_\_/s/  
Gerard Shanley

Executed on: \_\_\_\_\_